

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ***

4
5 YWS ARCHITECTS, LLC dba YWS DESIGN
6 & ARCHITECTURE,

7 Plaintiff,

8 vs.

9 ALON LAS VEGAS RESORT, LLC, *et al.*,

10 Defendants.

2:17-cv-01417-RFB-VCF

ORDER SETTING EVIDENTIARY
HEARING

11 The following motions have been referred to the undersigned Magistrate Judge pursuant to 28
12 U.S.C. § 636(b)(1)(B):
13

14 1. Alon Las Vegas Resort, LLC and Alon Leisure Management, LLC's Motion to Expunge YWS
15 Architects, LLC's Mechanic's Lien (ECF No. 31) and

16 2. Tishmar, LLC's Joinder in Alon Las Vegas Resort, LLC and Alon Leisure Management, LLC's
17 Motion to Expunge YWS Architects, LLC's Mechanic's Lien (ECF No. 35).

18 Nevada substantive law governs issues relating to the scope and effect of the mechanic's lien
19 asserted by plaintiff pursuant to NRS § 108.221 *et seq.* Pursuant to NRS § 108.2275(1), a debtor of the
20 lien claimant or a party in interest in the property subject to the notice of lien may apply for an order
21 directing the lien claimant to appear before the court to show cause why the lien at issue should not be
22 expunged.

23 Alon's motion (ECF No. 31) and Tishmar's joinder (ECF No. 35) comply with NRS §
24 108.2275(2).
25

1 The motion and the joinder raise two issues for hearing:

- 2
- 3 1. Whether YWS's asserted lien rights encumbered any property interests of one or more
defendants; and
- 4 2. Whether YWS's Release of Mechanic's Lien, recorded on October 7, 2016, as instrument no.
5 20161007-0001760 (ECF No. 31-3), requires expungement of the Notice of Lien, recorded on
6 November 21, 2016, as instrument no. 20161121-0001754 (ECF No. 31-4).

7 Accordingly, IT IS HEREBY ORDERED that an evidentiary hearing is scheduled for December
8 5, 2017 at 1:00 PM, in Courtroom 3A. At that hearing Plaintiff must show cause why the November 21,
9 2016, Notice of Lien should not be expunged.

10 IT IS FURTHER ORDERED that on or before November 28, 2017, the parties must file a joint
11 prehearing statement, following the form of a LR 16-4 joint pretrial order, including, at a minimum:

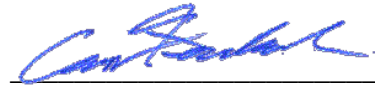
- 12
- 13 1. Facts that are admitted by the parties and require no proof;
- 14 2. Facts that, though not admitted, will not be contested at the hearing by evidence to the contrary;
- 15 3. Issues of fact to be determined at the hearing;
- 16 4. Issues of law to be determined at the hearing;
- 17 5. A list of Stipulated Exhibits;
- 18 6. A list of Exhibits not stipulated into evidence, the party objecting and the basis for the objection;
- 19 7. Lists of witnesses and the subject matter of their testimony;
- 20 8. Two sets of exhibits must be delivered to Jerry Ries, courtroom administrator, by noon,
21 December 4, 2017, tabbed and indexed according to the exhibit lists.

22

23 IT IS FURTHER ORDERED that if the lien claimant fails to comply with this order or fails to
24 appear at the time and place noted, the notice of lien, recorded on November 21, 2017, as instrument no.
25 20161121-0001754 (ECF No. 31-4) will be released with prejudice and the lien claimant will be ordered

1 to pay the reasonable costs defendants incurred in bringing their motions, including reasonable attorney's
2 fees.

3 DATED this 16th day of November, 2017.



4 CAM FERENBACH
5 UNITED STATES MAGISTRATE JUDGE
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25